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Attorneys for Defendants Celgene Corporation and Bristol-Myers Squibb Company

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

HUMANA INC.,

Plaintiff,

v.

CELGENE CORPORATION AND
ZBRISTOL-MYERS SQUIBB
COMPANY,

Defendants.

UNITED HEALTHCARE SERVICES,
INC.,

Plaintiff,

v.

Case No. 19-cv-7532-ES-MAH

Case No. 20-cv-18531-ES-MAH

CELGENE CORPORATION,

Defendant.

BCBSM, INC., HEALTH CARE
SERVICE CORPORATION, AND
BLUE CROSS AND BLUE SHIELD
OF FLORIDA, INC.,

Plaintiffs,

v.

CELGENE CORPORATION and
BRISTOL-MYERS SQUIBB
COMPANY,

Defendants.

BLUE CROSS AND BLUE SHIELD
ASSOCIATION, IN ITS CAPACITY
AS THE CARRIER FOR THE
SERVICE BENEFIT PLAN, A/K/A
THE “FEDERAL EMPLOYEE
PROGRAM,” A FEDERAL
EMPLOYEE HEALTH BENEFITS
ACT PLAN,

Plaintiff,

v.

CELGENE CORPORATION AND
BRISTOL-MYERS SQUIBB
COMPANY,

Defendants.

CIGNA CORP.,

Plaintiff,

Case No. 21-cv-6668-ES-MAH

Case No. 21-cv-10187-ES-MAH

Case No. 21-cv-11686-ES-MAH

v.

CELGENE CORPORATION AND
BRISTOL-MYERS SQUIBB
COMPANY,

Defendants.

MSP RECOVERY CLAIMS, SERIES
LLC.; MSPA CLAIMS 1, LLC; MAO-
MSO RECOVERY II, LLC, SERIES
PMPI, a segregated series of MAO-MSO
RECOVERY II, LLC; MSP
RECOVERY CLAIMS SERIES 44, LLC,
MSP RECOVERY CLAIMS PROV,
SERIES LLC, and MSP RECOVERY
CLAIMS CAID, SERIES LLC,

Plaintiffs,

v.

CELGENE CORPORATION,
BRISTOL-MYERS SQUIBB
COMPANY, CHRONIC DISEASE
FUND D/B/A GOOD DAYS FUND,
AND PATIENT ACCESS NETWORK
FOUNDATION,

Defendants.

Case No. 21-cv-20451-ES-MAH

MOLINA HEALTHCARE, INC.,

Plaintiff,

v.

CELGENE CORPORATION AND
BRISTOL-MYERS SQUIBB
COMPANY

Defendants.

Case No. 22-cv-04561-ES-MAH

HON. ESTHER SALAS, U.S.D.J.
HON. MICHAEL A. HAMMER,
U.S.M.J.

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT
PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 12(b)(6)**

Motion Date: Date and Time as
Determined by the Court

ORAL ARGUMENT REQUESTED

**DOCUMENT TO BE FILED
ELECTRONICALLY**

TO:

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*Counsel for Plaintiffs MSP Recovery Claims,
Series LLC et al.*

PLEASE TAKE NOTICE that on a date to be determined by the Court, the undersigned, attorneys for Defendants Celgene Corporation and Bristol-Myers Squibb Company, will move to dismiss before the District Court, at the United States District

Court, District of New Jersey, Martin Luther King, Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102, all counts alleged in the operative complaints filed by Plaintiffs in the above-captioned cases, pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Defendants will rely upon their Memorandum of Law in Support of Their Motion to Dismiss and Appendices thereto; the Certification of Daniel R. Guadalupe attaching Unpublished Opinions; and the Certification of Service, all submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 78.1(b), Defendants request oral argument.

Dated: August 26, 2022

Respectfully Submitted

/s/ Daniel Guadalupe

Daniel Guadalupe (NJ ID 014581986)

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